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10/603,459	06/25/2003	Ulrich Reichstein	REICHSTEIN	3275
20151	7590	05/08/2006	EXAMINER	
HENRY M FEIEREISEN, LLC			HEITBRINK, TIMOTHY W	
350 FIFTH AVENUE			ART UNIT	
SUITE 4714			PAPER NUMBER	
NEW YORK, NY 10118			1722	

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/603,459
Filing Date: June 25, 2003
Appellant(s): REICHSTEIN ET AL.

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GROUP 1700

Henry Feiereisen
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed March 9, 2006 appealing from the Office action mailed September 12, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

No evidence is relied upon by the examiner in the rejection of the claims under appeal.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-4 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. No support can be found in the original specification for the term "internal."

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The added limitation of "internal" renders the claims indefinite since it is unclear in what relation the machine control and electric components are internal, internal to the machine, internal to the room, etc.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Latham (US Patent 6,186,760).

Latham discloses a machine 10 for blow molding formed articles, a machine controller 22 receiving data from air pressure transducer 52, stretch rod transducer 50 and temperature sensor 54. Each of the transducers and sensor being an electric component, wherein the machine control and the electric components have means for transmitting and receiving radio (i.e. electromagnetic) waves from a PC 30. See Latham column 3, line 56 through column 4, line 48.

Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by either Krause et al. (DE 19909307) or Meschia (EP 1128244) or DE20204359 Utility (Abstract).

Each of the references disclose a machine for making molded articles having a plurality of electric components connected through a wireless communication to the machine control, wherein the machine control and the electric components have means to transmit and receive radio waves.

See Fig. 3 of Krause et al., Fig. 4 of Meschia and Fig. 1 of DE20204359 Utility.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Latham (US Patent 6,186,760), Krause et al. (DE 19909307) or Meschia (EP 1128244) or DE20204359 Utility (Abstract) as applied to claims 1,3 and 4 above, and further in view of Applicant's admitted prior art.

While the above references do not disclose Bluetooth technology as the wireless communication used, Applicant discloses such technology as being conventional and the standard for wireless technology. See paragraph 9 of the specification.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use Bluetooth technology as the wireless communication used since it is conventional and the standard for wireless technology as set forth by Applicant.

(10) Response to Argument

Applicant argues that support of the newly added term "internal" (internal meaning that the machine control and the electric components are incorporated in the same machine) is found in paragraphs 3, 5, 11, 17 and 18. A close look at paragraph 3, discloses cables are conventionally used to connect machine control to electric components. A close look at paragraphs 5 and 17 disclose the electric components to be on the machine where the electric components replace cables which are a drawback since they can contact hot machine components. Paragraph 11 states that at least one

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external device may be linked to the machine control in wireless mode. Paragraph 18 discloses a temperature controller used to transmit data to the controller where the controller has a signal converter 8'. No where in the specification is support found for the machine control and the electric components to be internal but only they communicate with each other via a wireless transmission signal.

Applicant continues to argue the use of the term "internal" is not indefinite and clearly relates to the injection molding machine not reference to a room since the term "internal" is inherent to an injection molding machine. The Examiner disagrees. Injection molding machines are not located in an outside environment but rather in a quality controlled room. Since paragraphs 5 and 17 disclose the electric components as being only on the machine, the Examiner cannot determine the exact location of the electric components. Is it the room or the machine itself? This is consistent with the definition as set forth in Webster's Third International Dictionary; "within the limits or surface of something."

In addition, Applicant argues Latham does not meet the limitations of claims 1, 3 and 4 since it does not set forth wireless communication between machine-internal parts. The Examiner disagrees. In no way is the claim limited to wireless communication between machine internal parts. So long as they are internal to something, such as a room, they read on the apparatus disclosed by Latham. See Webster's Third International Dictionary; "within the limits or surface of something."

Applicant continues to argue the references to Krause et al, Meschia and DE 20204359 do not disclose wireless communication between internal parts of a single

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machine. The Examiner disagrees. In no way is the claim limited to wireless communication between internal parts of a single machine. So long as they are internal to something, such as a room, they read on the apparatus disclosed by Latham. See Webster's Third International Dictionary; "within the limits or surface of something."

Lastly, Applicant argues claim 2 is patentable over the applied prior art since claim 2 depends upon claim 1. The Examiner incorporates his earlier remarks regarding claim 1 and applies them to claim 2.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


Tim Heitbrink

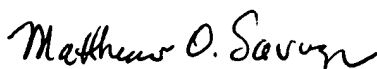
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